

## REVIEW FOR APPLICABILITY OF/COMPLIANCE WITH ORDINANCES/POLICIES

FOR PURPOSES OF CONSIDERATION OF THE LONE OAK TM AND MUP  
PDS2014-TM-5585; PDS2014-MUP-14-017, PDS2014-ER-14-08-006

September 3, 2015

**I. HABITAT LOSS PERMIT ORDINANCE** – Does the proposed project conform to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings?

YES  
☐

NO  
☐

NOT APPLICABLE/EXEMPT  
☒

Discussion:

While the proposed project and off-site improvements are located outside of the boundaries of the Multiple Species Conservation Program, the project site and locations of any off-site improvements do not contain habitats subject to the Habitat Loss Permit/Coastal Sage Scrub Ordinance. Therefore, conformance to the Habitat Loss Permit/Coastal Sage Scrub Ordinance findings is not required.

**II. MSCP/BMO** - Does the proposed project conform to the Multiple Species Conservation Program and Biological Mitigation Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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Discussion:

The proposed project and any off-site improvements related to the proposed project are located outside of the boundaries of the Multiple Species Conservation Program. Therefore, conformance with the Multiple Species Conservation Program and the Biological Mitigation Ordinance is not required.

**III. GROUNDWATER ORDINANCE** - Does the project comply with the requirements of the San Diego County Groundwater Ordinance?

YES  
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NO  
☐

NOT APPLICABLE/EXEMPT  
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## Discussion:

The project will obtain its water supply from the Vista Irrigation District which obtains water from surface reservoirs and/or imported sources. The project will not use any groundwater for any purpose, including irrigation or domestic supply.

**IV. RESOURCE PROTECTION ORDINANCE** - Does the project comply with:

The wetland and wetland buffer regulations (Sections 86.604(a) and (b)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Floodways and Floodplain Fringe section (Sections 86.604(c) and (d)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The <a href="#">Steep Slope</a> section (Section 86.604(e))?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Sensitive Habitat Lands section (Section 86.604(f)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>
The Significant Prehistoric and Historic Sites section (Section 86.604(g)) of the Resource Protection Ordinance?	YES <input checked="" type="checkbox"/>	NO <input type="checkbox"/>	NOT APPLICABLE/EXEMPT <input type="checkbox"/>

## Discussion:

***Wetland and Wetland Buffers:***

Based on the County RPO guidelines, RPO resources occurring onsite include Buena Creek and associated freshwater marsh community. The site contains coast live oak woodland and disturbed southern coast live oak riparian forest habitats, which are included within the proposed 50-foot RPO wetland buffer for Buena Creek. These sensitive habitats would be placed in a biological open space easement prior to the issuance of improvement or grading plans or prior to recordation of the Final Map, whichever comes first. Improvements to Lone Oak Road would result in impacts to coast live oak woodland and disturbed southern coast live oak riparian forest. According to Section 86.604(a)(5), crossing of RPO wetlands is an allowed use so long as there is (1) no feasible alternative to avoid the wetland, (2) the crossing is limited to the minimum number feasible, (3) the crossing is designed to cause least impact to the environment, (4) the least damaging construction methods are used, (5) crossing would serve adjoining properties, and (6) there is no net loss of wetlands. Impacts to the sensitive habitats within the RPO buffer area are associated with the existing Lone Oak Road, which connects adjoining properties. Impacts have been minimized to the extent practicable through project design, and the project proposes to mitigate for impacts to the sensitive habitats present within the RPO buffer at a 3:1 ratio. Additionally, a monitoring biologist will observe construction activities at the creek crossing in order to ensure that the least damaging construction methods are used. Therefore, no significant impact will occur because there will be no net loss of wetlands and the

proposed project complies with Sections 86.604(a) and (b) of the Resource Protection Ordinance.

***Floodways and Floodplain Fringe:***

The project is in compliance. The project is adjacent to the Buena Creek floodway/floodplain fringe area, but there are no proposals for any offsite uses or improvements that need compliance with the Resource Protection Ordinance.

***Steep Slopes:***

The average slope for the property is less than 25 percent gradient. Slopes with a gradient of 25 percent or greater and 50 feet or higher in vertical height are required to be placed in open space easements by the San Diego County Resource Protection Ordinance (RPO). There are no steep slopes on the property. Therefore, it has been found that the proposed project complies with Sections 86.604(e) of the RPO.

***Sensitive Habitat Lands:***

Sensitive habitat lands include unique vegetation communities and/or habitat that is either necessary to support a viable population of sensitive species, is critical to the proper functioning of a balanced natural ecosystem, or which serves as a functioning wildlife corridor. No sensitive habitat lands were identified on the site, as described in the Biological Resources Letter Report prepared by Dudek, dated February 2015. Therefore, it has been found that the proposed project complies with Section 86.604(f) of the RPO.

***Significant Prehistoric and Historic Sites:***

The property has been surveyed by a County of San Diego approved archaeologist/historian, Micah Hale, and it has been determined that the property does not contain any archaeological/ historical sites. In addition, the project must comply with the San Diego County Grading, Clearing, and Watercourse Ordinance (§87.101-87.804), CEQA §15064.5(d), and §7050.5 of the Health & Safety Code. Section 87.429 of the Grading, Clearance, and Watercourse Ordinance requires the suspension of grading operations when human remains or Native American artifacts are encountered.

**V. STORMWATER ORDINANCE (WPO)** - Does the project comply with the County of San Diego Watershed Protection, Stormwater Management and Discharge Control Ordinance (WPO)?

YES  
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NO  
☐

NOT APPLICABLE  
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Discussion:

The project is compliance with the WPO. The Storm Water Management Plan (SWMP) provided for this project has been reviewed and is in compliance with the WPO.

**VI. NOISE ORDINANCE** – Does the project comply with the County of San Diego Noise Element of the General Plan and the County of San Diego Noise Ordinance?

YES



NO



NOT APPLICABLE



Discussion:

Even though the proposal could generate potentially significant noise levels (i.e., in excess of the County General Plan or Noise Ordinance), the following noise mitigation measures are proposed to reduce the noise impacts to acceptable limits:

The project is comprised of a Tentative Map subdivision located in the North County Metro Subregional Plan area immediately abutting Buena Creek Road. The project is subject to the County Noise Element which requires proposed exterior noise sensitive land uses not to exceed the 60 dBA CNEL noise requirement for single family residences. Noise levels from future traffic traveling on Buena Creek Road were evaluated and determined that future traffic level noise levels would be 60 dBA CNEL below on the ground level elevation of Lots closest to Buena Creek Road. Proposed lots closest to Buena Creek Road with second story receptors would be exposed to levels over 60 dBA CNEL. Staff requires a Noise Restriction Easement dedication 400 feet from the Buena Creek Road centerline. This would ensure exterior and interior noise levels requirement continue to conform to County Noise Element. Off-site direct and cumulative noise impacts to off-site residences was also evaluated and determined that project related traffic on nearby roadways would not have a direct noise impact of 3 dBA or more and would not have a significant contributions to the cumulative noise in the area. Direct and cumulative noise impacts to off-site existing residences are not anticipated.

The project is also subject to temporary construction noise as it relates to the County Noise Ordinance, Section 36.409. Grading equipment operations would be spread out over the project site from varying distances in relation to occupied property lines. No blasting or rock crushing is anticipated during the grading operations. General grading operations would be spread out over the project site from distances near the occupied property to distances of 400-feet or more away. Based upon the proposed project, the majority of the grading operations will occur more than 100-feet from the southern and eastern property lines with the exception of the minor grading needed for water quality basins near Lone Oak Lane and Lone Oak Road. At distances of more than 90-feet the grading activities are anticipated not to exceed the County's 75-dBA standard and no mitigation measures are required.

Therefore, the project demonstrates Noise Ordinance compliance and incorporation of a Noise Restriction Easement dedication would ensure the project conforms to the County Noise Element noise standards.